

JAPS MUST PAY DUTY ON FISH

Citizens Only May Fish Free in Hawaii.

Aliens fishing in the waters of the United States in and about Hawaii must pay duty of one cent per pound upon all fish brought here according to a ruling made by the Treasury Department upon the question recently submitted by Customs Collector Stackable.

Under this interpretation of the statutes, Japanese and Chinese fishermen in Hawaii will be compelled to enter the fish caught in sea waters, either within or outside the three mile limit, at the custom house, while American citizens, including of course Hawaiians, will not only be exempt from duty but will also be free from the annoyance, delay and expense of satisfying the customs authorities upon each catch of fish. The still more important question of the right of aliens to fish at all in Hawaiian waters is still before the department and it would not be surprising if the Japanese fishermen were entirely barred from fishing here, and the monopoly now enjoyed by the Orientals, would be much more effectually broken up than it will be with the discrimination in favor of American citizens.

The important questions involved in this matter were first brought up by H. J. Bray, a fish dealer who submitted them to United States Attorney Breckons. He claimed that the Japanese and Chinese had combined in a monopoly which not only attempted to prevent him from engaging in business at the fish market, but also sought to prevent fish being sold to him. He urged that the Orientals were so controlling the trade, as to drive Hawaiians and other American citizens out of the business, and were also greatly diminishing the food supply of the Islands. Bray also contended that the Japs, as aliens should be compelled to pay duty. The letter was referred to Collector of Customs E. R. Stackable, and the query was by him sent to Washington for an opinion.

In the last mail the following reply was received:

Treasury Department,
Office of the Secretary,
Washington, August 12, 1902.
The Collector of Customs, Honolulu, H. I.

Sir:—The Department duly received your letter of the 10th ultimo, relative to duties on fish caught in the sea waters of Hawaii.

You state that "It is claimed by American citizens here that fish caught by aliens either within the three-mile limit or beyond it, are subject to duty, while those caught by American citizens and brought in are not subject to duty, the distinction being claimed under section 35 of the act of April 30, 1902, providing that 'all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure, shall be free to all citizens of the United States.'"

The above law is in harmony with the provision in paragraph 624 of the tariff act of July 24, 1897, which exempts from duty "spinnaker, whale, and other fish oils of American fisheries, and all fish and other products, of such fisheries." The former relates to the right to fish and the latter to duties. You will, therefore, be governed by the regulations and decisions under said paragraph of the tariff in the matter of duties. (See Article 479 et seq. of the Customs Regulations of 1899 and decisions cited in the margins thereof.)

Respectfully,
H. A. TAYLOR,
Assistant Secretary.

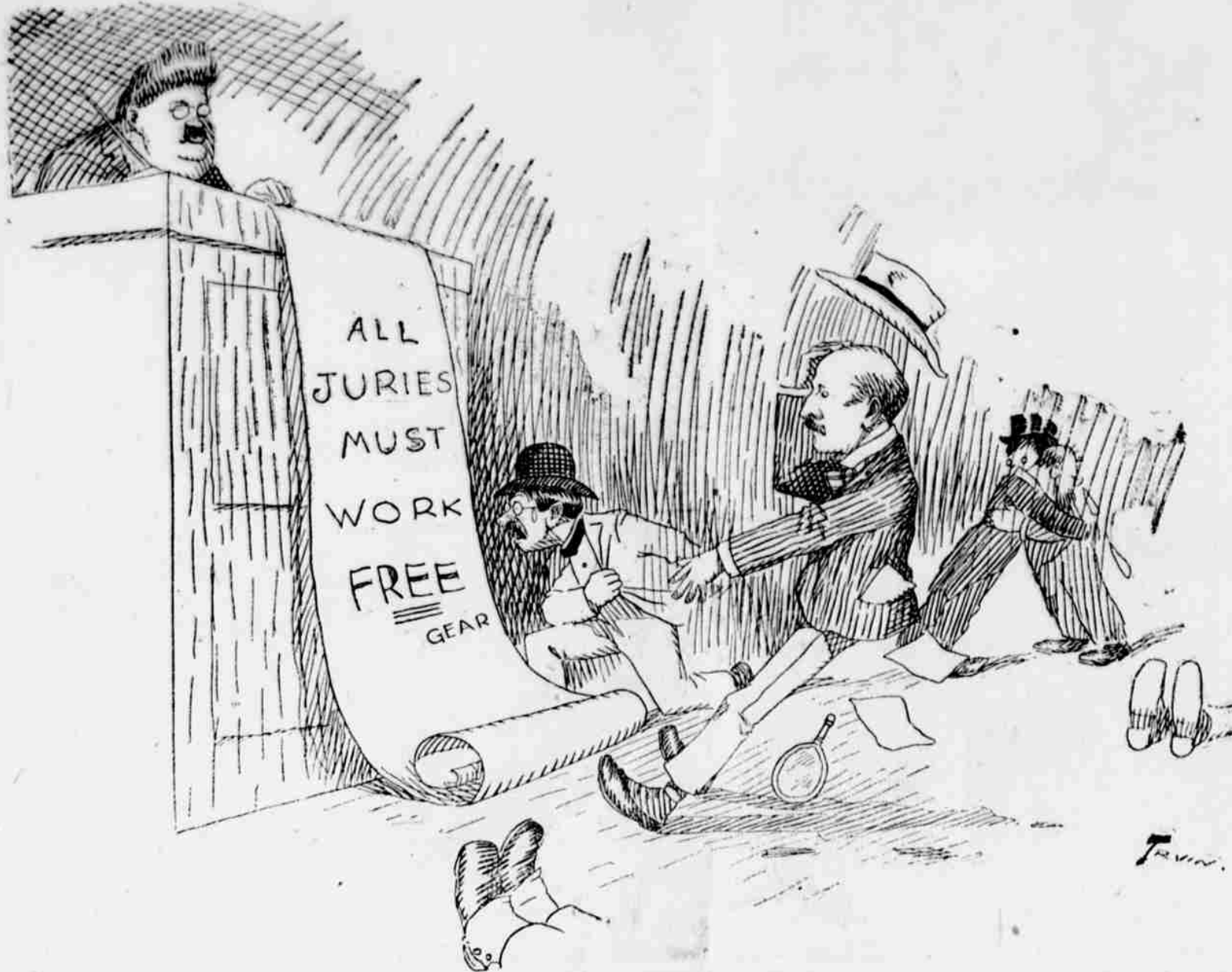
Article 479 in the customs Regulations referred to by the Assistant Secretary of the Treasury says that "Fish and all other articles, the produce of American fisheries, and fresh or frozen fish, caught in fresh waters by American vessels are admitted free, if entitled to the benefits of Paragraph 555 Act of July 24, 1897."

This act simply provides for the entrance free of duty, of fish taken in the Great Lakes or any other fresh body of water in the United States, by American citizens.

"I consider," said Collector Stackable yesterday, "under the ruling of the department, that American citizens can bring their fish into port here without payment of duty. Aliens are required to pay the duty of one cent per pound.

(Continued on page 4)

HOW IT HIT THE PROFESSIONAL JUROR



TERMS FOR THE PACIFIC CABLE

Following is an editorial in the New York Tribune:

It is scarcely credible that serious objection will be made to the conditions named by the President for the laying of the Pacific cable. They are only reasonable terms. They are also in the main essential to the safeguarding of American interests in this important enterprise. Some of those to which it is intimated—without, we must hope, adequate authority—objection will be made are those which seem to be most necessary, apart from private profit, are to be attained.

For example, there is the requirement that the cable shall be extended from Manila to China. There is at present a cable from Manila to Hongkong, at which point it connects with the Chinese system. It is said that the Commercial Pacific Cable Company has already entered into an agreement with the Eastern Extension Company, which owns the Manila-Hongkong line to connect with it and pass all through business to and from China and Japan over its cable. Therefore the Commercial Company does not wish to lay a cable of its own from Manila to China. But the United States government does want it to do so, and the desires of the United States government are entitled to be seriously considered. Nor is this desire an unreasonable one. On the contrary, it is eminently reasonable, logical and prompted by necessary requirements for American welfare.

These are the circumstances; There are two claimed monopolies in that part of the world in cable service. The Eastern Extension Company claims a monopoly on the Philippine coast, and the Great Northern claims a monopoly in the Chinese coast. The one is repugnant to the American policy and promise of an open door in the Philippines, and the other is a violation of China's treaties with the United States. It is thus incumbent upon the United States to effect the abrogation of both, and that is best to be done by pursuing precisely such a course as that prescribed by the President. To lay a cable from the United States to the Philippines and thence to China will be a practical breaking of both those monopolies. To refrain from doing so, when we need to do so, would be to give those monopolies tacit recognition and sanction, which is something this country certainly does not desire and cannot well afford to do. The terms of the agreement between the Commercial Pacific and the Eastern Extension companies are not disclosed. It would be most unpleasant for an impression to get abroad that the former agrees to respect the latter's monopoly on the western side of the Philippines in return for being let in on the eastern, and that thus the compact involves a recognition of both those monopolies. We do not suppose such is the case. Yet there would be grave danger of a suspicion to that effect if the American company should object to that one of the President's requirements.

It does not seem unreasonable, either, to require that all responsible employees of the cable company shall be American citizens. This cable is going to be very largely for confidential and important government business. Such business should be handled by American citizens only. Without entering into detailed consideration of other stipulations, it may be said of them generally that they are such as the government has a good right to impose. When the advocates of a private rather than a gov-

ernment cable were pleading their case, they laid stress upon the readiness of the company to give the government, on a private line, fully as satisfactory service in all respects as it could have on a line of its own. It is now time for that promise to be fulfilled. It will not be fulfilled unless the reasonable requirements of the government are acceded to. Does anyone suppose that if it had laid its own cable the government would employ on it any but American citizens, or that it would hesitate to lay an extension from Manila to the Chinese coast?

JOHN M. THURSTON'S PUBLIC CAREER

John M. Thurston is one of the men whose speeches on any public question are sure of an audience. His career has been typically that of a self-made American. Born in New England, brought up on a western farm, working his way through college and to success in the law, he was general solicitor to the Union Pacific Railway when a place in the Senate was offered him, and he accepted it, although he had been earning several times a Senator's salary.

The voice of the orator has been supplanted, as the chief means of moving public opinion, by the printed message of the press; yet eloquence still has its powerful appeal, and many a career besides Mr. Bryan's has been made possible by a striking speech. Mr. Thurston's opportunity came when, as a delegate from Nebraska, he was appointed temporary chairman of the Republican convention of 1888; and he used it to deliver an address that won him a national reputation. That reputation he has maintained at Washington and has proved himself a careful and conscientious legislator as well as a clever speaker.

He has had the courage—none too common a quality in public life—to admit that in the changed political conditions of today he has changed some of his opinions. "I voted against the annexation of Hawaii," he said in a recent speech, "because of a conservatism which I could not overcome; therefore you will understand that I am not a mere partisan, but when, in the providence of God, new territory and new responsibilities come to us, we are bound to share the responsibility. I am one of those who would have wished that after Dewey sailed into Manila bay and gained the grandest victory of modern times he could have left without accepting the responsibility. But this could not be done. God has given us the responsibility and we must accept it. Civilization has the right of way over barbarism, and the American people are equal to this or any other responsibility that may arise." This is surely a frank and manly confession of political faith—Munsey's.

It is reported from Kohala that Dr. James Wright, a wealthy resident of that district, has been poisoned by eating mushrooms. Other members of the family also suffered from eating the mushrooms.

DISTRICT JUDGES NAMED BY DOLE

Governor Dole has reappointed as district magistrates nearly all of the judges whose term of service expired this month. As far as known no changes have been made in the following list of men who are given new commissions:

Island of Hawaii—R. H. Atkins, Esq., N. Kohala; G. W. A. Hapai, Esq., S. Hilo; Wm. Kamau, Esq., Puna; S. W. Kani, Esq., S. Kona; J. H. Walpulang, Esq., E. and W. Kau.
Island of Maui—Chas. Copp, Esq., Makawao; D. Kahauliello, Esq., Lahaina; J. K. Pimmanu, Esq., Kipahulu.
Island of Lanai—S. Kahoolalahala, Esq.
Island of Oahu—W. L. Wilcox, Esq., Honolulu; Samuel Hookano, Esq., Ewa; S. Kekahuna, Esq., Waianae; E. P. Alkue, Esq., Koolaukoko.
Island of Kauai—G. L. Kopa, Esq., Waiimea; H. K. Kahele, Esq., Lihue.

HOLMES TOOK A BACK SEAT

L. R. Holmes, who came to Honolulu from Newcastle as mate of the bark General Fairchild, went through the siege of Kimberly during the South African war and counts it as a great honor that he is, by the terms of Cecil Rhodes' will, to receive a diamond to be placed in the center of the Kimberly siege medal which he won because of his conduct during the siege.

Of the many men concerned in the celebrated siege of the Griqualand West mining town only fourteen hundred received medals and Holmes is one of these. During the siege he paid highly for the medal for a Mauser bullet one day tore off the middle finger of his right hand. This was during one of the battles fought around Kimberly.

Before the war started there was quite a demand for sailors in Cape-town. Mining managers wanted them to go up country to take charge of the big cables in the mines. Holmes was one of the men of the sea who went "up country." He got a place in the De Beer's Consolidated Mines at Kimberly, where diamonds were common but deadly dangerous to any civilian who bought them except from the mine owner himself, as the law there provides for imprisonment for many years of any one buying diamonds from the natives who work in the mining compounds, and an illicit buyer seldom gets out of the country without being caught as all of the region for miles around the mines is covered with a network of spies. The Kimberly mines were largely owned by

PORTUGUESE TO FOLLOW THE PRINCE

Declare They Are Republicans There.

"The Portuguese Political Club, at its meeting of September 4th, declares that it is in favor of Republican principles, so far as the Delegate to Congress is concerned."

In this language, upon motion of J. M. Vivas, the Portuguese have given their assent to the candidacy of Prince Cupid, and the cheers with which the resolution was received indicated that there was nothing to be desired further in the way of endorsement of the young standard bearer of his party. After this action there was nothing to be done but for the candidate of the club to declare himself, and he did so in a speech in which he said that he would support the Republican platform and if elected work for the best interests of the people, whatever their nationality.

The meeting at San Antonio hall last night at which this action was taken was one which was full of words and ill feeling. It was one which brought out charges, misstatements and hard words, but as all things go in politics these words passed without any actions which might have made trouble among friends. The Republicans of the club were at the bottom of the disturbance and there was action which separated from the membership of the organization the most uncompromising adherents of the old party, their resignations being accepted. The Camara men in the club were so hot in their pursuit of the Republicans that they passed illegally motions throwing out J. F. Durao and M. T. Furtado, which had to be taken back and after this was done their resignations were accepted.

The meeting opened with some sixty men in the hall, and the air was charged with trouble from the first. The receipt of the communication from the Fourth District Republican committee, setting forth that the failure of the club to comply with the request of the committee for the names of several men, had made it impossible for the committee to name one of the number for a place on the ticket, the letter saying that the committee regretted the failure. The communication was tabled and then the resignation of Durao was read and the fight was on.

Vivas led by moving the tabling of the communication and he then moved the throwing out of Durao. He went on to say that he did not think there should be any consideration given the man attacked, for he had cried to disrupt the club, and had been circulating petitions for a Republican club. There were many hard things in the speech, which aroused some degree of enthusiasm. The principal charge brought against Durao, after that of trying to make discord, and to secure members for a Republican club, was that he had tried to foment race prejudice against the Anglo-Saxons, which Vivas said did not exist and could not be brought to life.

When the motion to throw out the former preacher had prevailed Pacheco read an article from the Advertiser, which he erroneously stated was inspired by Furtado, and called for the expulsion of that member. The man accused entered at this moment and the motion was hurriedly put and he was asked to leave the hall. Vierra however called for the rule under which men could be thus summarily put out of the club and when Camara read it it was to find that there must be a special meeting or a regular one after ten days' notice. He therefore announced that this action was illegal, and that the motions were out of order, whereupon Vivas moved the suspension of the rules and this being done there was a renewal of the expulsion motions. Furtado called for the re-making of the charges against him and demanded proof that he had inspired an article, which it may be said was written without even seeing Mr. Furtado. This could not be given, but Pacheco went on at length and Furtado announced that he could not associate himself with a club which moves without legal action, and said he would resign and he thought all Republicans should do the same. When he had left the room there was a moment's quiet for he was not alone in his departure, and then Pacheco moved the acceptance of the resignations of Durao, Furtado and Freitas, another Republican. This was agreed to and there were some cheers.

Vivas then said that he was of opinion

(Continued on Page 4.)

Cecil Rhodes. Holmes became "head-rigger" in the mines.

When the war broke out he joined the Kimberly town guards and soon became a corporal. Holmes is a man of gigantic stature and strength and he was known all over the besieged town as "The Yank Genral." The hundreds of kaffirs who looted about the town during the early part of the siege feared Holmes more than they would forty devils, for the kaffirs considered that he was capable of picking up fifty of them at once and hurling them across country for many miles into the sea.

By and by matters became so serious in the town that it was decided by the authorities to have every man in the guards take the oath of allegiance to the Queen. When Holmes heard of this order he let out a tremendous oath but it was not one of allegiance to anybody except to the flag of Uncle Sam. Persuasion was of no use as far as he was concerned. He said to his commanding officer: "I'll fight for you beggars but I'll be d—d if I'd give up my country for the sake of a corporal's job. I'd rather stow my sails and be a private." The officer promptly set Holmes back to a place as a tail private in the rear ranks.

Holmes says that Rhodes was the salvation of the besieged town. He chased out about ten thousand kaffirs from he could not feed and then gave the food to the starving white people. As soon as the siege was raised Holmes went back to his work in the mines. Later he decided to make a run down to Port Elizabeth on arrival there he found the town under martial law. The schooner Honolulu was in port and getting a breath of fresh air Holmes decided to go on that vessel to Newcastle. In Newcastle he left that vessel and came over here on the General Fairchild.

Holmes fought as a boy on a naval vessel during the American civil war. He has a reputation in almost every port that an American vessel touches at as a strong man and disciplinarian and there is seldom any trouble with a crew of a vessel that he is on. He is a new mate of the ship E. M. Phelps.

WILL FIGHT FOR POSSESSION

The question of ownership of 17,000 acres of Lanai bought by Charles Gay at auction two weeks ago for \$108,000 will probably have to be settled in the courts. John F. Colburn sent John Wise to Lanai last evening to take possession of the tract claimed by him, and there will very likely be a fight as to the ownership.

Charles Gay has also notified his agents on Lanai to retain possession of the disputed tract, and if Colburn wants to get into what he claims as his own, he will have to institute ejectment proceedings.

Altogether there are 17,000 acres involved, including the ranch house, sheep pens, wool houses and general headquarters, and without which Gay's purchase would not be worth the amount paid by him at the court sale.